

JUDGE PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

|                           |   |                         |
|---------------------------|---|-------------------------|
| UNITED STATES OF AMERICA, | ) | Case No. CR04-301P      |
|                           | ) |                         |
| Plaintiff,                | ) | ORDER                   |
|                           | ) | CONTINUING TRIAL DATE   |
| v.                        | ) | AND DEADLINE FOR FILING |
|                           | ) | OF PRETRIAL MOTIONS     |
| THOMAS EDWARD SUMMERS,    | ) |                         |
|                           | ) |                         |
| Defendant.                | ) |                         |

**ORDER**

THE COURT has the parties' Stipulation to Continue Trial Date concerning a continuance of the trial date. The parties agree and

the Court finds that a failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(8)(B)(ii), and taking into account defense counsel's unavailability until mid-December 2005;

and that a failure to grant the continuance would deny the defendant continuity of counsel, within the meaning of 18 U.S.C. § 3161(h)(8)(B)(iv);

and the Court further finds that the ends of justice will be served by ordering a continuance in this case, that a continuance is necessary to ensure effective pretrial and trial preparation, and that these factors outweigh the best interests of the public and the defendant in speedy trial, within the meaning of 18 U.S.C. § 3161(h)(8)(A).

1 The Court finds that the period of time from the current trial date of  
2 November 7, 2005 until the new trial date of January 9, 2006, shall be excludable time  
3 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

4 IT IS THEREFORE ORDERED, that the trial in this matter is continued until  
5 January 9, 2006. Pretrial motions are due by December 1, 2005.

6  
7 DATED this 27<sup>th</sup> day of October, 2005.

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10 /S/Marsha J. Pechman  
11 THE HONORABLE MARSHA J. PECHMAN  
12 UNITED STATES DISTRICT JUDGE  
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